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Serial No.: 09/581,753

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Before the Board of Patent Appeals and Interferences

Applicant : Joseph Wayne Forler
Serial No. : 09/581,753
Filed : October 24, 2000
For : Program Signal Blocking System
Examiner : Kieu-Oanh T. Bui
Art Unit : 2611

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APPEAL BRIEF

May It Please The Honorable Board:

This is Appellants' Brief on Appeal from the final rejection of claims 1 – 11.
Please charge the \$340.00 fee for filing this Brief to Deposit Account No. 07-0832. Appellants
waive an Oral Hearing for this appeal.

Please charge any additional fee or credit overpayment to the above-indicated
Deposit Account. Enclosed is a single copy of the Brief.

I. REAL PARTY IN INTEREST

The real party in interest of Application Serial No. 09/581,753 is the Assignee of record:

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Signature Karen Schlauch Date: 12-7-04

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II. RELATED APPEALS AND INTERFERENCES

There are currently, and have been, no related Appeals or Interferences regarding Application Serial No. 09/581,753 known to the undersigned attorney.

III. STATUS OF THE CLAIMS

Claims 1-11 are rejected and the rejection of claims 1 - 11 are appealed.

IV. STATUS OF AMENDMENTS

All amendments were entered and are reflected in the claims included in Appendix I.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Independent claim 1 claims an apparatus (10) including a signal input (Fig. 1 100) for receiving a program signal associated with one of a plurality of signal channels. The signal input selects one of the plurality of signal channels in response to a user input. A signal output provides an output signal derived from the program signal (page 3, lines 13-16). An auxiliary data decoder (Fig. 1 115) detects program related information included in each program signal. A processor (Fig 1. 112) is operatively connected to the signal input (Fig. 1 100), the signal output and the auxiliary data decoder (Fig. 1 115). The processor (Fig. 1 112) is responsive to

user selection of a first operating mode (page 1, line 36-page 2, line 1) for controlling the output signal in a predetermined manner to reduce user access to the output signal for at least until the program related information is detected upon user selection of a new one of the plurality of signal channels (page 3, lines 24-32). Also, the processor (Fig. 1 11) is responsive to a user selection of a second operating mode that provides user access to the output signals prior to detection of the program related information (page 11, lines 6-8).

Dependent claim 2 includes an apparatus having the limitations of independent claim 1, and further includes a second signal input for providing a second program signal from a second signal source (Fig. 1 and page 3, lines 8-12). Additionally, a switch is included for operatively coupling the two signal inputs to the signal output, which is derived from one of the program signals (page 6, lines 19-29). The processor (Fig. 1 112) controls the output signal in a predetermined manner when the user selects one of the signal inputs for at least until the program related information is displayed (page 5, lines 24-27).

Dependent claim 4, includes an apparatus having the limitations of independent claim 1, wherein the program signal comprises a plurality of digital signal packets (page 1, lines 15-20).

Dependent claim 5, includes an apparatus having the limitations of independent claim 1, wherein the program signal comprises a plurality of time-multiplexed digital signal packets (page 7, lines 11-15 and page 10, lines 30 - 40).

Dependent claim 7, includes an apparatus having the limitations of independent claim 1, wherein the processor is further responsive to user selection of a second operating mode for controlling the output signal in a predetermined manner for at least until the program related information is detected upon user selection of a new one of a plurality of user designated signal channels of said plurality of signal channels (page 3, lines 24-32 and page 5, lines 38-39 and page 6, lines 1-4).

Dependent claim 8, includes an apparatus having the limitations of independent claim 1, wherein the processor is capable of providing an On Screen Display menu for allowing a user to select the first operating mode (page 5, lines 20-23).

Independent method claim 11 includes a method for selectively blanking a display, having similar limitations of independent claim 1. The steps include changing a channel (Fig. 3 230 and page 9, line 27), blanking the display (Fig 3 232 and page 9, line 27), tuning to the selected channel (Fig. 3 234 and page 9, line 27) and determining whether a default blanking mode has been set. The display is blanked (page 9 line 31-36) unless a default blanking mode has not been set, in which case the display is unblanked (Fig. 3 236 and page 9, line 32). Then a determination is made as to whether authorization exists for displaying the selected channel. If authorization for displaying the selected channel exists, it is displayed, otherwise it is blanked (Fig. 3 242-256 and page 9, lines 34-page 10, line 6).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The Examiner has rejected claims 1 – 3, 6 – 7 and 11 as anticipated under 35 USC 102(e) by Rumreich (U.S. 5,995,160).

The Examiner has rejected claims 4 – 5 and 8 – 10 as being unpatentable under 35 USC 103(a) over Rumreich (U.S. 5,995,160) in view of Collings (U.S. 5,828,402).

VII. ARGUMENT

Rumreich when taken alone or in combination with Collings neither anticipates nor makes unpatentable the present claimed invention. Thus, reversal of the Final Rejection (hereinafter termed “rejection”) of claims 1-11 under 35 U.S.C. §§ 102(e) and 103(a) is respectfully requested.

Overview of the Cited References

Rumreich discloses a video signal processing apparatus for blanking main and auxiliary images in a multi-image display, e.g., a PIP or POP display, independently. The blanking may be part of a V-chip feature in which blanking occurs in response to auxiliary information, such as XDS data that is included in a video signal to indicate the content of television programming. Main image blanking occurs only during active video intervals to prevent corrupting sync information. In a system that produces the main image from various types of video signals, e.g., composite video and s-video, that require separate signal processing paths, main image blanking

capability is provided in one signal path only, such as the composite video path. The blanking capability is activated and the associated signal path is selected to provide main picture blanking regardless of which type of signal is providing the main picture.

Collings discloses a method and apparatus for blocking the reception of television programming which meets specified criteria. Data packets describing television programming are broadcast with the television signal. The data packets include at least packets which contain category information specifying a level in one or more multi-level categories and/or label information specifying labels applied to the program content of the signal. Data packets in an incoming video signal are detected by a blocking apparatus and compared to preferences stored in non-volatile memory in the blocking apparatus. If the contents of the data packets match or exceed the stored preferences then the video signal is blocked. The apparatus is field configurable. Configuration information specifying the rating scheme is transmitted to the apparatus. The methods of the invention are extremely flexible and allow several different rating systems to be used simultaneously.

Rejection of Claims 1 – 3, 6 – 7 and 11 under 35 USC 102(e)

over Rumreich (U.S. 5,995,160).

CLAIMS 1, 3, 6 and 11

Rumreich recites a system for blanking main and auxiliary images in a multi-image display. This system blanks the image signal in response to auxiliary image data included in the video signal, the auxiliary image data indicating content of the programming. Rumreich is concerned with blanking either or both a main and auxiliary image independently of one another.

The Examiner cites Figure 1 and col. 6, lines 18-50 of Rumreich as reciting "blanking if the content is over the limit." Applicant respectfully disagrees with this assertion. Column 6, lines 18-50 disclose a system whereby the programming information is received and then is compared to a "user-selected rating limit." Only after the comparison, if the content exceeds the user-selected rating limit, is the displayed image modified, such as by blanking the image. This is wholly unlike the present claimed invention which "reduce[s] user access to said output for at least until said program related information is detected." Rumreich is not concerned with reducing user access to an output prior to receipt of the program related information as in the present claimed invention. Additionally, if the system disclosed by Rumreich fails to detect any program related information, the program data is continuously displayed thus allowing potentially undesirable images to be viewed. The present claimed invention, on the other hand, acts as a fail-safe method and prevents unauthorized viewing during the comparison time by "reduce[ing] user access to said output for at least until said program related information is detected." The present claimed invention blanks the image until the program related information is detected and compared to a user-selected rating limit. Only after the apparatus of the present claimed invention determines that the program related information falls within the user-selected rating limit is the image unblanked. The present claimed invention thus restricts user access until it is determined that an output should be displayed.

Program Rating packets should be repeated at intervals no greater than 3 seconds unless delayed by closed caption data in the proposed ANSI/EIA-608A technical specification for the transmission of XDS Program Rating packet. Thus, when a new channel is selected, the television receiver may take several seconds to detect and decode the new program related

information and take appropriate blocking action. Rumreich is not concerned with the delay time between selection and tuning a new channel and receipt of the program related information data as in the present claimed invention. Therefore, as Rumreich neither discloses nor suggests restricting access prior to performing a ratings comparison, Rumreich neither discloses nor suggests to “reduce access to the output signal for at least until the program related information is detected” as in the present claimed invention.

Furthermore, Applicant respectfully disagrees with the Examiner’s contention that Rumreich in col. 9, lines 8-52 & col. 10, lines 1-42 discloses that, “the user access is reduced to the output signal for at least until the program related information or the auxiliary data is detected due to a fast switch. The Examiner states that the fast switch, under a timing generator, is used for controlling the quickly switching of the output signal, i.e., the content of the program if not suitable for viewing, to auxiliary data for replacing the new information data at appropriate time and the blanking process addressed.” The applicant respectfully disagrees and further respectfully submits that the Examiner’s interpretation of the cited passage of Rumreich is erroneous. Specifically, Rumreich in column 9, lines 8-52 disclose using a fast switch to combine main and auxiliary images to form a picture in picture (PIP) image. Rumreich does not contemplate the fast switch to be used to “reduce user access to said output signal.” Rather, the fast switch produces a display “that has one region displaying a video program included in the main picture signal and has a second region displaying a video program included in the auxiliary image signal.” (col. 9, lines 20-25). Rumreich neither discloses nor suggests to “reduce access to said output signal,” as in the present claimed invention.

Furthermore, Rumreich in column 10, lines 1-42 disclose blanking and unblanking the video signal during the retrace interval. Blanking and unblanking during a retrace interval is not equivalent to “reduce[ing] access to said output signal for at least until the program related information is detected” as in the present claimed invention. This does not disclose nor suggest blanking and unblanking in the time period before the information is compared to the predetermined user limits as in the present invention. The blanking of the video signal and unblanking of the signal during the retrace interval of Rumreich allows for the receipt of the data transmitted during the retrace interval. The blanking and unblanking of the video signal in Rumreich is totally unrelated to the “reducing access to said output signal” as in the present claimed invention.

Consequently, it is respectfully submitted that there is no 35 USC 112 enabling disclosure provided by Rumreich that causes the present invention as claimed in claim 1 to be anticipated. As claims 3 and 6 are dependent on claim 1, it is respectfully submitted that claims 3 and 6 are patentable for the same reasons as discussed above with respect to claim 1. Thus, it is respectfully submitted that this rejection is satisfied and should be withdrawn.

CLAIM 2

Dependent claim 2 is considered to be patentable based on its dependence on claim 1 and all arguments presented above regarding claim 1 are also applicable to dependent claim 2. Claim 2 is also considered to be patentable because Rumreich neither discloses nor suggests “a second signal input for providing a second program signal from a second signal source, and a switch for

operatively coupling one of said signal input and second signal input to said signal output, said output signal being derived from one of said respective program signals, wherein said processor controls said output signal in said predetermined manner when the user selects one of said signal inputs for at least until said program related information is detected” as in the present claimed invention.

The Examiner states that Rumreich discloses, “a second input signal...because an RF-in (input) can be from different sources such as from an antenna or a (video) cable and CV2 can be from a VCR and a video switch 142 under the control of the processor 115 is selectively switching the corresponding input signals and provides appropriate program signals as the user selects signal inputs with the input interface control 125 (col. 5/lines 3-40).” The applicant respectfully disagrees with the Examiner’s interpretation. While Rumreich and the present claimed invention both involve second input signals, the operation of the second input signal of the present claimed invention is wholly unlike the operation disclosed by Rumreich. Specifically, the present claimed invention recites “a second signal input for providing a second program signal from a second signal source, and a switch for operatively coupling one of said signal input and second signal input to said signal output, said output being derived from one of said respective program signals, wherein said processor controls said output signal in said predetermined manner when the user selects one of said signal inputs for at least until said program related information is detected.” Furthermore, similarly to claim 1 of the present claimed invention, the image is blanked for both signals prior to receipt of the program related information and while the processor compares the program related information to the user-selected rating limit to determine whether the image is within the limit. This is neither disclosed

nor suggested by Rumreich. Rumreich merely discloses that two input signals can exist.

Rumreich neither discloses nor suggests the “coupling one of said signal input and second signal input to said signal output, said output being derived from one of said respective program signals...”

Consequently, it is respectfully requested that the rejection of dependent claim 2 under 35 USC 102(e) be withdrawn.

CLAIM 7

Dependent claim 7 is considered to be patentable based on its dependence on claim 1 and all arguments presented above regarding claim 1 are also applicable to dependent claim 7. Claim 7 is also considered to be patentable because Rumreich neither discloses nor suggests that “said processor is responsive to user selection of a second operating mode for controlling said output signal in said predetermined manner for at least until said program related information is detected upon user selection of a new one of a plurality of user designated signal channels of said plurality of signal channels” as in the present claimed invention.

In Rumreich, when a new channel is selected, the comparison and detection process described above begin anew and again the television receiver may take several seconds to detect and decode the new program related information and take appropriate blocking action. The present claimed invention, on the other hand, maintains a blanked image at least until the program related information is detected. On the contrary, in the present claimed invention, when a channel

is switched from a blanked image to an alternative channel, the image remains blank until the program related information is detected and determined to be appropriate for viewing. This also prevents the unauthorized viewing that can exist when the system fails to detect program related information. Such is not the case with Rumreich. By permitting the receipt of the image during the delay time of comparing the data, Rumreich also effectively allows a user to view inappropriate images by repeatedly switching back and forth between an unauthorized channel and another channel. The present claimed invention overcomes this hitch by maintaining a blank image during the delay time of comparing the data and thus prevents the user from viewing inappropriate images.

Consequently, it is respectfully requested that the rejection of dependent claim 7 under 35 USC 102(e) be withdrawn.

CLAIM 11

Independent claim 11 includes similar limitations as recited and discussed hereinabove with specific reference to Claim 1 and it is respectfully submitted that the arguments presented above regarding Independent claim 1 are applicable to Independent claim 11. Claim 11 is also considered to be patentable because prior to the step of "tuning the selected channel" the method of claim 11 requires the step of "blanking the display".

On the other hand, Rumreich recites a system for blanking main and auxiliary images in a multi-image display. This system blanks the image signal in response to auxiliary image data

included in the video signal, the auxiliary image data indicating content of the programming. Rumreich is concerned with blanking either or both a main and auxiliary image independently of one another. The Examiner cites Figure 1 and col. 6, lines 18-50 for "blanking if the content is over the limit." Applicant respectfully disagrees. Column 6, lines 18-50 disclose a system whereby the programming information is received and then it is compared to a "user-selected rating limit." Only after the comparison, if the content exceeds the user-selected rating limit, the displayed image is modified, such as by blanking the image. Prior to and during this comparison time it is possible for an undesirable image to be viewed. This is unlike the present claimed invention which requires "blanking the display" then "tuning to the selected channel" and then to "determine whether authorization exists for displaying the selected channel" and "if authorization...exists, display the selected channel, otherwise blank the display." Contrarily, if the system disclosed by Rumreich fails to detect any program related information, the program data is continuously displayed thus allowing potentially undesirable images to be viewed. The present claimed invention, on the other hand, acts as a fail-safe method and prevents unauthorized viewing during the comparison time by "blanking the display" prior to "tuning to the selected channel" The present claimed invention blanks the image until the program related information is detected and compared to a user-selected rating limit. Only after the apparatus of the present claimed invention determines that the program related information falls within the user-selected rating limit is the image unblanked. Therefore, as Rumreich allows display of program data until after a ratings comparison is performed, Rumreich neither discloses nor suggests "blanking the display" and then "tuning to the selected channel" as in the present claimed invention.

In view of the above remarks regarding claims 1 and 11 it is respectfully submitted that Rumreich provides no 35 USC 102(e) enabling disclosure that anticipates the present claimed invention. As claims 2, 3, 6 and 7 are dependent on claim 1 it is respectfully submitted that claims 2, 3, 6 and 7 are patentable for the same reasons as applied to claim 1. Thus, it is further respectfully submitted that this rejection has been satisfied and should be withdrawn.

**Rejection of Claims 4-5 and 8-10 under 35 USC 103(a) over
Rumreich (U.S. 5,995,160) in view of Collings (U.S. 5,828,402).**

Claims 4 – 5 and 8 - 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rumreich in view of Collings. These claims are considered patentable for reasons given in connection with claim 1 and for the following reasons.

In rejecting claims under 35 U.S.C. § 103, it is incumbent upon the examiner to establish a factual basis to support the legal conclusion of obviousness. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596, 1598 (Fed.Cir. 1988). In so doing, the Examiner is expected to make the factual determinations set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 17, 148 USPQ 459, 467 (CCPA 1966), and to provide a reason why one having ordinary skill in the pertinent art would have been led to modify the prior art or to combine prior art references to arrive at the claimed invention. Such reason must stem from some teaching, suggestion, or implication in the prior art as a whole or knowledge generally available to one having ordinary skill in the art. *Uniroya, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 1051, 5 USPQ2d 1434, 1438 (Fed.Cir. 1988), *cert. denied*, 488 U.S. 825 (1988); *Ashland Oil Inc. v. Delta Resins & Refractories, Inc.*, 776 F.2d 28, 293, 227

USPQ 657, 664 (Fed.Cir. 1985), *cert. denied*, 475 U.S. 1017 (1986); *ACS Hosp. Sys., Inc. v. Montefiore Hosp.*, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed.Cir. 1984). These showings by the Examiner are an essential part of complying with the burden of presenting a *prima facie* case of obviousness. *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed.Cir. 1992).

CLAIMS 4

Dependent claim 4 is considered to be patentable based on its dependence on claim 1 and all arguments presented above regarding claim 1 are also applicable to dependent claim 4. Specifically, as discussed above regarding Claim 1, Rumreich neither discloses nor suggest to “reduce user access to said output for at least until said program related information is detected” as claimed in claim 1 of the present invention. Contrary to the present claimed invention, Rumreich recites a system for blanking main and auxiliary images in a multi-image display that blanks the image signal in response to auxiliary image data included in the video signal, the auxiliary image data indicating content of the programming. However, the blanking performed by the system disclosed by Rumreich occurs after the comparison of ratings data. Thus, it follows that in Rumreich, if the content exceeds the user-selected rating limit, the displayed image is modified, such as by blanking the image but prior to and during this comparison time it is possible for an undesirable image to be viewed. This is wholly unlike the present claimed invention which “reduce[s] user access to said output for at least until said program related information is detected.” The present claimed invention blanks the image until the program related information is detected and compared to a user-selected rating limit. Only after the apparatus of the present

claimed invention determines that the program related information falls within the user-selected rating limit is the image unblanked.

Collings recites a method and apparatus for selectively blocking audio and video signals which meet a certain criteria. The incoming video signals include data packets indicating program content. The data packets are compared to user preferences and blocked if the contents match or exceed stored preferences. Similarly to Rumreich, Collings neither discloses nor suggests reducing access to the output signal for at least until the program related information is detected as in the present claimed invention. Collings is concerned with being able to decode video signals which are coded according to any of a number of different coding schemes. Thus, similarly to Rumreich, Collings is not concerned with the delay time between selection of a new channel and receipt of the program related information data is in the present claimed invention.

Furthermore, it is respectfully submitted that even if the system disclosed by Rumreich were to be combined with the system disclosed by Collings, the resulting system would produce the system of the present claimed invention. In fact, the resulting system of Rumreich combined with Collings would produce a system for decoding audio and video data packets that blank at least one of main and auxiliary images in a picture-in-picture system wherein the signal only after a ratings comparison was performed. This resulting system is wholly unlike the present claimed invention which claims "a processor operatively connected to said signal input, said signal output and said auxiliary data decoder, wherein said processor is responsive to user selection of a first operating mode for controlling said output signal in a predetermined manner to reduce user access to said output signal for at least until said program related information is detected upon user

selection of a new one of said plurality of signal channels and user selection of a second operating mode for providing user access to said output signals and prior to detection of said program related information.”

Consequently, it is respectfully requested that the rejection of claim 4 under 35 USC 103(a) be withdrawn.

CLAIM 5

Dependent claim 5 is considered to be patentable based on its dependence on claim 1 and all arguments presented above regarding claim 1 are also applicable to dependent claim 5. Specifically, as discussed above regarding Claim 1, Rumreich neither discloses nor suggest to “reduce user access to said output for at least until said program related information is detected” as claimed in claim 1 of the present invention. Contrary to the present claimed invention, Rumreich recites a system for blanking main and auxiliary images in a multi-image display that blanks the image signal in response to auxiliary image data included in the video signal, the auxiliary image data indicating content of the programming. However, the blanking performed by the system disclosed by Rumreich occurs after the comparison of ratings data. Thus, it follows that in Rumreich, if the content exceeds the user-selected rating limit, the displayed image is modified, such as by blanking the image but prior to and during this comparison time it is possible for an undesirable image to be viewed. This is wholly unlike the present claimed invention which “reduce[s] user access to said output for at least until said program related information is detected.” The present claimed invention blanks the image until the program related information

is detected and compared to a user-selected rating limit. Only after the apparatus of the present claimed invention determines that the program related information falls within the user-selected rating limit is the image unblanked.

Collings recites a method and apparatus for selectively blocking audio and video signals which meet a certain criteria. The incoming video signals include data packets indicating program content. The data packets are compared to user preferences and blocked if the contents match or exceed stored preferences. Similarly to Rumreich, Collings neither discloses nor suggests reducing access to the output signal for at least until the program related information is detected as in the present claimed invention. Collings is concerned with being able to decode video signals which are coded according to any of a number of different coding schemes. Thus, similarly to Rumreich, Collings is not concerned with the delay time between selection of a new channel and receipt of the program related information data is in the present claimed invention.

Furthermore, it is respectfully submitted that even if the system disclosed by Rumreich were to be combined with the system disclosed by Collings, the resulting system would produce the system of the present claimed invention. In fact, the resulting system of Rumreich combined with Collings would produce a system for decoding audio and video data packets that blanks at least one of main and auxiliary images in a picture-in-picture system wherein the signal only after a ratings comparison was performed. This resulting system is wholly unlike the present claimed invention which includes "a processor operatively connected to said signal input, said signal output and said auxiliary data decoder, wherein said processor is responsive to user selection of a first operating mode for controlling said output signal in a predetermined manner to reduce user

access to said output signal for at least until said program related information is detected upon user selection of a new one of said plurality of signal channels and user selection of a second operating mode for providing user access to said output signals and prior to detection of said program related information.”

Consequently, it is respectfully requested that the rejection of claim 5 under 35 USC 103(a) be withdrawn.

CLAIMS 8 - 10

Dependent claims 8-10 are considered to be patentable based on its dependence on claim 1 and all arguments presented above regarding claim 1 are also applicable to dependent claims 8 - 10. Specifically, as discussed above regarding Claim 1, Rumreich neither discloses nor suggest to “reduce user access to said output for at least until said program related information is detected” as claimed in claim 1 of the present invention. Contrary to the present claimed invention, Rumreich recites a system for blanking main and auxiliary images in a multi-image display that blanks the image signal in response to auxiliary image data included in the video signal, the auxiliary image data indicating content of the programming. However, the blanking performed by the system disclosed by Rumreich occurs after the comparison of ratings data. Thus, it follows that in Rumreich, if the content exceeds the user-selected rating limit, the displayed image is modified, such as by blanking the image but prior to and during this comparison time it is possible for an undesirable image to be viewed. This is wholly unlike the present claimed invention which “reduce[s] user access to said output for at least until said program related information is

detected." The present claimed invention blanks the image until the program related information is detected and compared to a user-selected rating limit. Only after the apparatus of the present claimed invention determines that the program related information falls within the user-selected rating limit is the image unblanked.

Collings recites a method and apparatus for selectively blocking audio and video signals which meet a certain criteria. The incoming video signals include data packets indicating program content. The data packets are compared to user preferences and blocked if the contents match or exceed stored preferences. Similarly to Rumreich, Collings neither discloses nor suggests "reducing access to the output signal for at least until the program related information is detected" as in the present claimed invention. Collings is concerned with being able to decode video signals which are coded according to any of a number of different coding schemes. Thus, similarly to Rumreich, Collings is not concerned with the delay time between selection of a new channel and receipt of the program related information data is in the present claimed invention.

Furthermore, it is respectfully submitted that even if the system disclosed by Rumreich were to be combined with the system disclosed by Collings, the resulting system would produce the system of the present claimed invention. In fact, the resulting system of Rumreich combined with Collings would produce a system for decoding audio and video data packets that blanks at least one of main and auxiliary images in a picture-in-picture system wherein the signal only after a ratings comparison was performed. This resulting system is wholly unlike the present claimed invention which includes "a processor operatively connected to said signal input, said signal output and said auxiliary data decoder, wherein said processor is responsive to user selection of a

first operating mode for controlling said output signal in a predetermined manner to reduce user access to said output signal for at least until said program related information is detected upon user selection of a new one of said plurality of signal channels and user selection of a second operating mode for providing user access to said output signals and prior to detection of said program related information.”

Claims 9 and 10 further depend from dependent claim 8 and thus are considered to be patentable because of the reasons discussed hereinabove with specific reference to claims 1 and 8 and all arguments presented above regarding claims 1 and 8 are applicable to claims 9 and 10.

Consequently, it is respectfully requested that the rejection of claims 8 - 10 under 35 USC 103(a) be withdrawn.

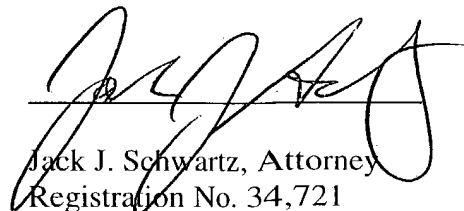
In view of the above remarks it is respectfully submitted that there is no 35 USC 112 enabling disclosure provided by Collings or Rumreich that would render the present invention as claimed in claim 1 unpatentable. As claims 4, 5 and 8 – 10 are dependent on claim 1, it is respectfully submitted that claims 4,5 and 8 – 10 are patentable for the same reasons as discussed above with respect to claim 1. Thus, it is respectfully submitted that this rejection has been satisfied and should be withdrawn.

VIII CONCLUSION

Rumreich or Collings neither disclose nor suggest an apparatus for blanking an image before the program related information is compared to the user-selected limit rating as in the claimed invention. Specifically, both Rumreich and Collings fail to disclose an apparatus where the "signal processor continues...control of the output signal at least until the program related information is determined and compared with a user selected blocking level" as in the present claimed invention. Additionally, both Rumreich and Collings neither disclose nor suggest "having a processor control the output signal for a second input signal nor for maintaining a blank screen while the program related information for successive input signals is detected" as in the present claimed invention. Accordingly it is respectfully submitted that the rejection of Claims 1-11 should be reversed.

Respectfully submitted,
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December 7, 2004

APPENDIX I - APPEALED CLAIMS

1. (Original) An apparatus, comprising:

a signal input for receiving a program signal associated with one of a plurality of signal channels, said signal input selecting one of said plurality of signal channels in response to a user input;

a signal output for providing an output signal derived from said program signal;

an auxiliary data decoder for detecting program related information included in each said program signal; and

a processor operatively connected to said signal input, said signal output and said auxiliary data decoder, wherein said processor is responsive to user selection of a first operating mode for controlling said output signal in a predetermined manner to reduce user access to said output signal for at least until said program related information is detected upon user selection of a new one of said plurality of signal channels and user selection of a second operating mode for providing user access to said output signals and prior to detection of said program related information.

2. (Previously Presented) The apparatus according to claim 1, further comprising a second signal input for providing a second program signal from a second signal source, and a switch for operatively coupling one of said signal input and second signal input to said signal output, said output signal being derived from one of said respective program signals, wherein said processor controls said output signal in said predetermined manner when the user selects one of said signal inputs for at least until said program related information is detected.

3. (Original) The apparatus according to claim 1, wherein said program signal is a television signal.

4. (Original) The apparatus according to claim 1, wherein said program signal comprises a plurality of digital signal packets.

5. (Original) The apparatus according to claim 1, wherein said program signal comprises a plurality of time-multiplexed digital signal packets.

6. (Original) The apparatus according to claim 1, wherein said predetermined manner of control comprises one of blanking the video signal, replacing the video signal with an On Screen Display message, muting the audio signal and disabling associated closed captions.

7. (Original) The apparatus according to claim 1, wherein said processor is responsive to user selection of a second operating mode for controlling said output signal in said predetermined manner for at least until said program related information is detected upon user selection of a new one of a plurality of user designated signal channels of said plurality of signal channels.

8. (Previously Presented) The apparatus according to claim 1, wherein said processor is capable of providing an On Screen Display menu for allowing user selection of said first operating mode.

9. (Original) The apparatus according to claim 8, wherein said processor is capable of providing a restricted access On Screen Display menu for allowing user selection of said first operating mode.

10. (Original) The apparatus according to claim 9, wherein access to said On Screen Display menu is password protected.

11. (Previously Presented) A method for selectively blanking a display comprising the steps of:

selecting a change of channel to be displayed;

blanking the display;

tuning to the selected channel;

determining whether a default blanking mode has been set;

if a default blanking mode is not set, unblank the display, otherwise retain display blanking;

determine whether authorization exists for displaying the selected channel;

if authorization for displaying the selected channel exists, display the selected channel, otherwise blank the display.

APPENDIX II - EVIDENCE

Applicant does not rely on any additional evidence other than the arguments submitted hereinabove.

APPENDIX III - RELATED PROCEEDINGS

Applicant respectfully submits that there are no proceedings related to this appeal in which any decisions were rendered..

APPENDIX IV - TABLE OF CASES

1. *In re Fine*, 5 USPQ 2d 1600, (Fed Cir. 1988)
2. *ACS Hospital Systems Inc v. Montefiore Hospital*, 221 USPQ 929,933
(Fed. Cir. 1984)
3. *Graham v. John Deere Co.*, 383 U.S. 1, 17, 148 USPQ 459, 467 (CCPA 1966)
4. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 1051, 5 USPQ2d 1434, 1438
(Fed.Cir. 1988), *cert. denied*, 488 U.S. 825 (1988)
5. *Ashland Oil Inc. v. Delta Resins & Refractories, Inc.*, 776 F.2d 28, 293, 227 USPQ
657, 664 (Fed.Cir. 1985), *cert. denied*, 475 U.S. 1017 (1986)

APPENDIX V - LIST OF REFERENCES

<u>U.S. Pat. No.</u>	<u>Issued Date</u>	<u>102(e) Date</u>	<u>Inventors</u>
5,995,160	November 30, 1999		Rumreich
5,828,402	October 27, 1998		Collings

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